

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

VICTORY'S DAWN, INC.; and GAYLE
MORRISON AND WILLIAM M.
CLEMONS, JR., AS TRUSTEES OF THE
FIFTH AMENDED AND RESTATED
CLARENCE A. CLEMONS FAMILY
REVOCABLE TRUST,

Plaintiffs,

v.

CLARENCE ANICHOLAS CLEMONS III
and BIG MAN'S WEST LLC

Defendants.

Civil Action No. 3:21-cv-9744

**DECLARATION OF
BRETT VAN BENTHYSSEN**

Brett Van Benthysen, declares as follows:

1. I am an attorney at law duly admitted to practice before the Courts of this State and before this Court and am an associate with the firm of Reitler Kailas & Rosenblatt LLP, attorneys for Plaintiffs Victory's Dawn, Inc., and Gayle Morrison and William M. Clemons, Jr, as Trustees of the Fifth Amended and Restated Clarence A. Clemons revocable Trust Broadway Holdings VI, LLC, ("Plaintiffs") in the above-captioned action. I make this declaration in support of Plaintiffs' Request for Entry of Default against Defendants Clarence Anicholas Clemons III ("Nick") and Big Man's West LLC ("BMW")(collectively, "Defendants"). I am familiar with the record and the proceedings herein.

2. This action was commenced on April 19, 2021 by the filing of the Summons and Complaint. A copy of the Complaint is attached hereto as **Exhibit A**.

3. On April 29, 2021, service of process was effectuated on Defendants. A copy of Affidavits of Service on Defendants is attached hereto as **Exhibit B**.

4. More than twenty-one (21) days have elapsed since Defendants was served, and the Defendants has failed to plead or otherwise appear as provided by the Federal Rules of Civil Procedure. Defendants' responsive pleading or pre-answer motion was due on May 20, 2021.

5. Plaintiffs request that the Clerk of Court enter default against Defendants pursuant to Federal Rule of Civil Procedure 55(a).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 16, 2021

s/ Brett Van Benthysen
Brett Van Benthysen